

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REGINALD EARL BULLOCK,)	
)	
Plaintiff,)	
)	
v.)	1:15CV102
)	
UNITED STATES OF AMERICA,)	
)	
Defendant(s).)	

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a federal prisoner, submitted a document entitled as an “Inquiry of Status” in which he seeks the return of certain seized properties. The Court treated the filing as a Motion for Return of Property pursuant to Fed. R. Crim. P. 41(g). Such a motion filed after the completion of criminal proceedings is a civil action subject to the fee provisions of 28 U.S.C. § 1915. See United States v. Jones, 215 F.3d 467 (4th Cir. 2000). Venue for such a motion is proper in the district where the seizure occurred. See United States v. Garcia, 65 F.3d 17 (4th Cir. 1995). Plaintiff failed to submit either the \$400.00 filing fee or an application to proceed *in forma pauperis*. In addition, Plaintiff’s Motion is not on the required form. This Motion should, therefore, be dismissed without prejudice to Plaintiff submitting his action on the proper forms along with either the \$400.00 filing fee or a completed application to proceed *in forma pauperis*. To assist Plaintiff, the Clerk will send Plaintiff the Motion for Return of Property forms, instructions and an application to proceed *in forma pauperis*.

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order. The Clerk is instructed to send Plaintiff Motion for Return of Property forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.* Sections (a) & (d)).

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a civil complaint, on the proper Motion for Return of Property forms, which corrects the defects cited above.

This, the 3rd day of February, 2014.

/s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge